

AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Courts  
Southern District of Texas  
FILED

January 20, 2023

Nathan Ochsner, Clerk of Court

United States of America

v.

Axel Gerardo CARDONA-Martinez  
YOB: 1997 COB: HondurasCase No. **M-23-0103-M**Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 19, 2023 in the county of Hidalgo in the  
Southern District of Texas, the defendant(s) violated:*Code Section**Offense Description*

Title 18 USC 922(g)(5)(A)

It is illegal for any person, namely an illegal alien who is unlawfully in the United States to illegally possess a firearm and ammunition that has previously traveled in and affected interstate commerce.

This criminal complaint is based on these facts:

See Attachment A

☒ Continued on the attached sheet.

Approved by AUSA Matthew Phelps

/s/ Brenda V. Leal*Complainant's signature*Brenda V. Leal/ATF Special Agent*Printed name and title*☐ Sworn to telephonically and signed electronically  
per Fed.R.Cr.4.1Date: January 20, 2023 8:03 AMCity and state: McAllen, Texas*Judge's signature*Nadia S. Medrano, U.S. Magistrate Judge*Printed name and title*

### **ATTACHMENT A**

On January 19, 2023, Texas Department of Public Safety (TXDPS) marked unit conducted a traffic stop on a red Chevrolet Pacifica for Defective/Non-Compliant Taillamps in Edinburg, TX. The DPS Trooper subsequently made contact with the occupants of the aforementioned vehicle. The driver, later identified as Axel Gerardo CARDONA-Martinez informed the DPS Trooper that he was in possession of a handgun inside a backpack in the vehicle. A probable cause search of the vehicle resulted in the discovery of one Glock, model 19X, 9mm caliber pistol with SN: BHNK586 located under the driver seat of the aforementioned vehicle inside a black and red backpack.

During a post-Miranda interview, CARDONA-Martinez stated he was currently in the United States illegally. CARDONA-Martinez admitted that he purchased the aforementioned firearm approximately one month prior for \$900 dollars. CARDONA-Martinez stated he was aware that due to his immigration status, he could not purchase or possess firearms and/or ammunition.

Your affiant spoke with an ATF Special Agent who is a recognized expert in the interstate and foreign commerce travel of firearms and ammunition. The ATF Special Agent conducted a preliminary examination of the Glock, model 19X, 9mm caliber pistol and determined the aforementioned pistol was manufactured outside the State of Texas. Therefore, the firearm had previously traveled in interstate or foreign commerce prior to being possessed by any person in the State of Texas.

Based on the above information, CARDONA-Martinez was in possession of the aforementioned firearm in violation of Title 18, United States Code, Section 922(g)(5)(A).